

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEFFREY TURNER,

Plaintiff,

v.

Case No. 18-11982

JODI DEANGELO, MELISSA GODFREY,
UNIDENTIFIED OFFICER DEFENDANTS,
and UNIDENTIFIED NURSE
DEFENDANT,

HON. AVERN COHN

Defendants.

MEMORANDUM AND ORDER
ADOPTING REPORT AND RECOMMENDATION (ECF No. 28)
AND
DISMISSING ALL UNIDENTIFIED DEFENDANTS
AND
CLOSING THE CASE

I.

This is a prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff Jeffrey Turner, proceeding pro se and in forma pauperis, filed a complaint naming Jodi DeAngelo, Melissa Godfrey, “Unidentified Officer Defendants 1-4,” and “Unidentified Nurse Defendant” as defendants. Plaintiff alleges he was sexually assaulted by other inmates while incarcerated at the Woodland Correctional Facility between April 15, 2017 and January 9, 2018. The matter has been referred to a magistrate judge for pretrial proceedings. (ECF No. 16).

Jodi DeAngelo and Melissa Godfrey filed motions for summary judgment on the grounds that plaintiff failed to exhaust his administrative remedies against them. See ECF Nos. 11, 15. The magistrate judge issued a report and recommendation (MJRR), recommending that the motions be granted for failure to exhaust and plaintiff's claims against them be dismissed without prejudice. Neither party objected. The Court adopted the MJRR and dismissed DeAngelo and Godfrey. (ECF No. 27).

As to the unidentified defendants, the magistrate judge issued an order requiring plaintiff to provide the names of the unidentified defendants within 45 days. The order also said that a failure to properly identify a defendant may result in the dismissal of his claims against them. See ECF No. 26. Plaintiff failed to provide the names of the unidentified defendants. Accordingly, the magistrate judge issued a MJRR, recommending that plaintiff's claims against the remaining unidentified defendants be dismissed. (ECF No. 28). Plaintiff has not objected and the time for filing objections has passed.

II.

The failure to file objections to the MJRR waives any further right to appeal. Smith v. Detroit Federation of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the MJRR releases the Court from its duty to independently review the motions. Thomas v. Arn, 474 U.S. 140, 149 (1985). However, the Court has reviewed the MJRR and agrees with the magistrate judge.

III.

The findings and conclusions of the magistrate judge are adopted as the findings and conclusions of the Court. Plaintiff's claims against the remaining unidentified

defendants are DISMISSED WITHOUT PREJUDICE. See Fed. R. Civ. P. 4(m) and E.D. Mich. LR 41.2. This case is CLOSED.

SO ORDERED.



AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated:
Detroit, Michigan